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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/365,211	07/30/1999	KLAUS ULLY	PHO-98.532	1508

7590

09/10/2003

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EXAMINER

JACKSON, JENISE E

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/365,211

Applicant(s)

ULLY, KLAUS

Examiner

Jenise E Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) g.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Sprunk.

3. As per claims 1, 4, 11, Sprunk discloses a data processing device which includes a circuit (see col. 4, lines 1-11) which consists of various circuit sections which can be fed with a supply voltage, configuration of conductors, and includes data processing means which constitute such a circuit section that can be fed with supply voltage and are arranged to process data while utilizing a characteristic value(see col. 2, lines 14-25, col. 4, lines 14-24). The Examiner asserts that Sprunk inherently discloses a supply voltage, because Sprunk discloses an inverter. Sprunk discloses sequencing means which also constitute such a circuit section that can be fed with the supply voltage and are arranged to execute an algorithm in order to control the data processing means in conformity with this algorithm, which algorithm includes a given number N of sub-algorithms which contain identical sequences of algorithm steps and can be executed in a given order each time when the algorithm is executed(see col. 2, lines 5-25), and wherein, upon processing of data by means of the data processing means(17) under the control of sequencing means(15) in conformity with the algorithm, the data processing causes current peak pattern to occur at the area of the configuration of conductors, the pattern configuration of the current peak pattern being dependent on the algorithm, on the processed data, and on the characteristic value,

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characterized in that the circuit additionally includes order fixation means which cooperate with the sequencing means and whereby, upon each execution of the algorithm, an order can be fixed from a plurality of feasible orders for the execution of the sub algorithms(see col. 5, lines 36-50, col. 6, lines 37-48, 52-58, col. 7, lines 13-20).

4. As per claims 2-3, 9-10, Sprunk discloses that the order fixation means include a random number generator that by means of the order fixation means upon each execution of the algorithm an order for the execution of N sub algorithms is fixed, the order being defined by a random number generated by the random number generator(see col. 2, lines 5-13, col. 4, lines 1-13, col. 6, lines 52-59).

5. As per claim 5, Sprunk discloses characterized in that there is provided a wired logic circuit which co-operates with the sequencing means and contains the algorithm in wired and hence hardware form(see col. 2, lines 5-13, col. 4, lines 1-13).

6. As per claims 6, 13, Sprunk inherently discloses characterized in that the data processing means are formed by means for the encryption and/or decryption of the data, because Sprunk discloses a cryptographic processor(see col. 2, lines 63-67).

7. As per claims 7, 14, Sprunk discloses characterized in that the data processing device is formed by a data carrier whose circuit is constructed in integrated technology(see col. 4, lines 1-35).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E Jackson whose telephone number is (703) 306-0426. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

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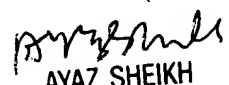
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-0040 for regular communications and (703) 308-6306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



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September 6, 2003



AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100